

05-6-01

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PATENT  
Attorney Docket No. 101.0084-02000  
Customer No. 22882  
Express Mail Label No. EL849519495US

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Prior Application: Art Unit: 3738  
Examiner: B. Snow

SIR: This is a request for filing a

☐ Continuation ☐ Continuation-in-Part ☒ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/457,228 filed December 8, 1999 of Gary K. Michelson, M.D. for SPINAL IMPLANT SURFACE CONFIGURATION

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/457,228 as originally filed on December 8, 1999.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☒ Cancel Claims 1-120 and 131-202.
4. ☐ A Preliminary Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

Basic Application Filing Fee					\$710	\$ 710.00
	Number of Claims		Basic	Extra Claims		
Total Claims	10	-	20	0	x \$18	0
Independent Claims	2	-	3	0	x \$80	0
[ ] Presentation of Multiple Dep. Claim(s)					+\$270	0
Subtotal						\$ 710.00
Reduction by 1/2 if small entity						- 0
TOTAL APPLICATION FILING FEE						\$ 710.00

08/03/01  
JC658 U.S. PTO

JC973 U.S. PTO  
09/921851  
08/03/01

09921851-080301

6. ☒ A check in the amount of \$710.00 to cover the filing fee is enclosed.
7. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 50-1066.
8. ☒ Amend the specification by inserting before the first line, the sentence:  
 --This is a ☐ continuation ☒ divisional of application Serial No. 09/457,228, filed December 8, 1999.--
9. ☐ New formal drawings are enclosed.
10. ☐ The prior application is assigned of record to: \_\_\_\_\_
11. ☐ Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ (country) is claimed under 35 U.S.C. § 119. A certified copy  
☐ is enclosed or ☐ is on file in the prior application.
12. ☐ A verified statement claiming small entity status  
☐ is enclosed or ☐ is on file in the prior application.
13. ☒ The power of attorney in the prior application is to at least one of the following: MARTIN & FERRARO, LLP; Thomas H. Martin, Reg. No. 34,383; Amedeo F. Ferraro, Reg. No. 37,129; and Todd M. Martin, Reg. No. 42,844.
14. ☒ The power appears in the original declaration of the prior application.
15. ☐ A new Revocation of Original Power of Attorney and Grant of New Power of Attorney is enclosed.
16. ☒ Please address all correspondence to:  
 Customer No. 22882  
 MARTIN & FERRARO, LLP  
 14500 Avion Parkway, Suite 300  
 Chantilly, Virginia 20151-1101
17. ☐ Recognize as associate attorney \_\_\_\_\_  
 (name, address & Reg. No.)

**22882**

PATENT TRADEMARK OFFICE

RECEIVED TELETYPE UNIT

18. ■ Also enclosed is Information Disclosure Statement Under 37 C.F.R. § 1.97(b) with Form PTO-1449

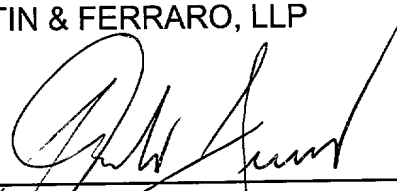
PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 09/457,228, filed December 8, 1999, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No.50-1066. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,

MARTIN & FERRARO, LLP

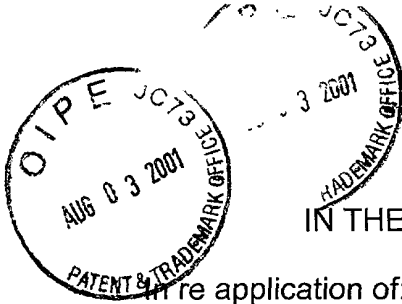
Dated: August 3, 2001

By: \_\_\_\_\_

  
Amedeo F. Ferraro  
Registration No. 37,129  
Attorneys for Applicant(s)

14500 Avion Parkway, Suite 300  
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PATENT  
Attorney Docket No: 101.0084-02000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:

Gary K. Michelson, M.D.

Serial No: N/A  
(Divisional of Serial No. 09/457,228)

(Art Unit: 3738)

Filed: August 3, 2001

(Examiner: B. Snow)

For: SPINAL IMPLANT SURFACE  
CONFIGURATION

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

"Express Mail" Mailing Label No. EL849519495US

Date of Deposit: August 3, 2001

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I hereby certify that

- ☒ 1.53(b) Divisional Application transmittal form (in duplicate)
- ☒ Copy of prior application as filed including executed Combined Declaration and Power of Attorney and drawings
- ☒ Information Disclosure Statment with Form PTO 1449
- ☒ Check in amount of \$710.00 for the filing fee
- ☒ Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231.

Date: August 3, 2001

14500 Avion Parkway, Suite 300  
Chantilly, VA 20151-1101  
Telephone: 703-679-9300  
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Rebecca K. Kennedy

Name of person mailing papers

Signature